UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,265	02/19/2004	Behram Mario Dacosta	50T5776.01	4987

7590 01/25/2006

ROGITZ & ASSOCIATES
Suite 3120
750 B Street
San Diego, CA 92101

EXAMINER	
BELIVEAU, SCOTT E	
ART UNIT	**PAPER NUMBER**
2614	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/782,265	DACOSTA, BEHRAM MARIO	
	Examiner	Art Unit	
	Scott Beliveau	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25 and 27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25 and 27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *21 April 2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 21 April 2005 was filed prior to the mailing of the Non-Final rejection on 27 April 2005. The examiner is unclear if the record properly reflects that this statement had been previously considered. Accordingly, the information disclosure statement is being considered by the examiner as indicated.

Response to Arguments

2. Applicant's arguments with respect to claims 1-25 and 27 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's argument such that the Brodsky reference fails to enable the user such that words cannot be selected from the closed captioning itself as applied to claims 10 and 18, the examiner respectfully disagrees. As noted in the response, as well as the Brodsky reference itself, words are added to the dictionary as derived from the closed captioning text (Col 2, Lines 20-23). For example, assuming that the newscaster of Brodsky says "There were riots in France today" and subsequently the phrase "riots in France" is contained within the closed caption stream. The system would subsequently extract keywords "riots" and "France" from within the closed captioning stream. The user is subsequently operable to select the word "France" which was from or appeared within the closed captioning itself by speaking the words or selecting words from a menu. Given that the aforementioned "words" are extracted from the closed captioning text, the words as displayed within the menu are also words from within the closed captioning text. Therefore,

the particular selection of the aforementioned words from a menu of choices further serves to select words from within the closed captioning text itself wherein the system subsequently operates to provide additional information to the user related to that word.

With respect to applicant's arguments pertaining to the particular usage of a remote controller, such that the Brodsky teaches away from the particular usage of such and in particular one such as that disclosed by Allport, the examiner respectfully disagrees. Brodsky clearly acknowledges the particular usage of both wireless remote controls and voice recognition devices as a means to enable a user to select information from menus (Brodsky: Col 1, Lines 25-33). Brodsky further teaches that the user is operable to make requests by voice or other input means so as to request additional content through the particular usage of a displayed menu (Col 5, Lines 11-20). Turning back to the earlier reference, Brodsky teaches that it is known to make inquiries from displayed menus from a wireless remote controller (Col 1, Lines 25-29). If Brodsky intended to "teach away" from the particular usage of a remote control as opposed to voice recognition (which in itself could be construed as a form of remote control), then why does Brodsky disclose the particular usage of "other input means" is acceptable. As would be recognized by those skilled in the art, the aforementioned wireless remote controllers would clearly satisfy the particular usage of "other input means".

With respect to the particular usage of the Allport remote controller, as aforementioned, Brodsky clearly suggests the particular usage of "other input means" and envisions that such could comprise wireless remote controllers. Brodsky teaches that the particular content list is displayed using PIP means. Allport advantageously provides a separated PIP means for the

user such that the particular screen real estate can be put to other (Allport: Col 4, Lines 53-60) and it further envisions that "closed captioning" may be displayed on that remote (Allport: Col 3, Line 65 – Col 4, Line 5). Accordingly, taken in combination, it is the examiner's opinion that the reference meet the particularly argued limitations (ex. claim 12).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Brodsky clearly suggests the particular usage of remote encyclopedias. Allport provides the user with the ability to retrieve and display information from the Internet and discloses the desirability to do so in conjunction with the user watching television. The Britannica article provides evidence of a remote or Internet based encyclopedia which is described as the most complete compendium of general knowledge, the finest encyclopedia of the Internet, and an encyclopedia which can't be beat for researching famous people, places, and things. Accordingly, it is the examiner's opinion the Brodsky reference provides a clear teaching with respect to the particular usage of remote encyclopedias and the Britannica article provides a clear motivation with respect to the usage of that particular product.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10, 14, 16, 18, 22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomsen et al. (US Pub No. 2003/0192050 A1).

In consideration of claim 10, Figure 1 of Thomsen illustrates a "system for obtaining information using a TV closed caption display". As illustrated in Figure 1, the system comprises a "TV receiving content [including closed caption text] from a source" (Para. [0024]), a "remote control device configured for wireless communication with the TV" [140] (Para. [0028]), and a "data structure" (Para. [0048] and [0049]) accessible to a "computer associated with . . . the TV" [116]. The "computer" [116] "retrieves from the data structure a list of content related to at least one word appearing in the closed caption text and selected by a user manipulating the remote control device [wherein] the word appears within the closed caption text and [is] selected from the closed caption text by means of the remote control device" (Figures 3, 5, and 9-10; Para. [0024] - [0031], [0043] – [0051], [0054] – [0056]).

In consideration of claim 18, the Thomsen reference discloses a "system" [100] for "retrieving content related to a TV program including closed caption text". As illustrated in Figure 1, the system comprises "means for displaying the TV program with closed caption text" [140] (Figure 2), "means for allowing a user to select at least one word within the

closed caption text by input device manipulation con the closed caption text" [140], and "means for presenting a list of content associated with the word in response to the means for selecting" [140] (Figures 3, 5, and 9-10; Para. [0024] - [0031], [0043] – [0051], [0054] – [0056]).

Claims 14 and 22 are rejected wherein the "content is obtained from and audio/video data storage associated with a TV" (Para. [0049]).

Claims 16 and 24 are rejected wherein the "content is downloaded from at least one of the Internet . . in response to the user selecting the content" (Para. [0056]).

5. Claim 27 is rejected under 35 U.S.C. 102(e) as being anticipated by Fellenstein et al. (US Pub No. 2003/0192050 A1).

In consideration of claim 27, Fellenstein et al. reference discloses a "method for obtaining information based on TV programs" (Figure 2). The method comprises "associating at least some of the programs with closed captioning text" [204], "receiving at least one query word from a user" [208], "using the closed captioning text, generating a list of programs in responds to the query word" [210], and "returning the list to the user" [212] (Para. [0014] – [0017]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen et al. (US Pub No. 2003/0192050 A1) in view of Patterson (US Pat No. 5,923,379).

In consideration of claims 11 and 19, the Thomsen et al. reference does not disclose that the "list" (Figure 10) as presented via an Internet browser is necessarily "displayed in a picture-in-picture (PIP) window on the TV". In a related art pertaining to television systems, the Patterson reference discloses "displaying in a picture-in-picture (PIP) window on the TV" information associated with a web-browser (Patterson: Col 3, Line 37 – Col 4, Line 2). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Thomsen et al. with the teachings of Patterson so as to "display" the "list . . . picture-in-picture (PIP) window on the TV" for the purpose of providing a means by which a user is capable for browsing the Web at the same time as another video signal is being viewed on the television (Patterson: Col 2, Lines 11-20).

8. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen et al. (US Pub No. 2003/0192050 A1) in view of Allport (US Pat No. 6,097,441).

In consideration of claims 12 and 20, the Thomsen et al. reference does not disclose that the "list" (Figure 10) as presented via an Internet browser is necessarily "displayed on a display of a remote control device". In a related art pertaining to television systems, the Allport reference discloses providing Internet browser content such that it is "displayed on a display of a remote control device" (Allport: Col 6, Lines 49-64; Col 7, Lines 36-58). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Thomsen et al. such that the "list is displayed on a display of the remote control device" for the purpose of providing a secondary user interface

associated with a remote controller which leaves the primary viewing screen or TV uncluttered (Allport: Col 4, Lines 53-60).

9. Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen et al. (US Pub No. 2003/0192050 A1) in view of the Encyclopedia Britannica Online article.

In consideration of claims 13 and 21, the Thomsen et al. reference suggests the the particularly selected search terms can be sent to a data warehouse so as to retrieve information that is related to the transmitted data wherein the data warehouse includes external database such as those associated with commercial institutions (Para. [0049). It is unclear, however, if the returned information further comprises "causing the computer to transmit to the TV a dictionary definition of the word". In a related art pertaining information distribution systems, the Encyclopedia Britannica article provides evidence of providing or displaying "a dictionary definition of the word" (ex. Pop-up Dictionary) related to a search. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to utilize the online database as disclosed in the Encyclopedia Britannica Online article so as to facilitate the retrieval of related information including dictionary definitions for the purpose of taking advantage of the most complete compendium of generable knowledge on the Web so as to retrieve additional information regarding selected information.

10. Claims 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen et al. (US Pub No. 2003/0192050 A1) in view O'Brien et al. (US Pat No. 6,055,569).

In consideration of claims 17 and 25, the Thomsen et al. reference discloses that the system is operable to utilize Internet browser techniques so as to particularly retrieve and facilitate the retrieval and display of "contents" (Para. [0057]). The reference, however, is silent with respect to a "processor associated with the TV adding the content to a local data storage associated with the TV and correlates the content with other content related to the selected word". In a related art pertaining to the retrieval of information from the Internet, the O'Brien et al. reference discloses a method such that a "processor . . . adds the content to a local data storage . . . and correlates the content with other content related" to the particular web page (Col 3, Line 28 – Col 4, Line 29). For example, if a user downloads content associated with a particular web page (ex. www.epa.gov), the system adds that web-page and correlates the web page with other related web-pages related to or associated with the selected word (ex. other pages related to www.epa.gov). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Thomsen et al. such that a "processor associated with the TV adds the content to a local data storage associated with the TV and correlates the content with other content related to the selected word" for the purpose of advantageously accelerating the users ability to retrieve information from the Internet in a manner which further takes advantage of the user's probability in visiting those pages (O'Brien et al.: Col 1, Line 31 – Col 2, Line 16).

11. Claims 1, 2, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isoe et al. (US Pat No. 5,671,019) in view of Brodsky (US Pat No. 5,809,471).

In consideration of claim 1, Figures 1 and 2 of Isoe et al. disclose a conventional television system that further comprises a remote control device [6] which is operable to

"display with the program closed captioning text" and a PIP window (Col 1, Lines 31 – Col 3, Line 6). The conventional closed captioning television receiver, however, does not particularly disclose the ability to retrieve supplemental content related to the television program. In a related art pertaining to television systems, the Brodsky reference illustrates a system [100] for implementing a "method for obtaining information based on a TV program". The method "permits a user of a remote control device" (voice actuated or otherwise) to "select at least one word to establish a selected word" through a user interface [110] wherein "if the selected word is a primary word, [the system] displays a list of content related to the selected word" (Brodsky: Col 5, Lines 11-35; Col 6, Lines 12-42). Accordingly, it would have been obvious to one having ordinary skill in the at the time the invention was made so as to modify the conventional television receiver of Isoe et al. with the teachings of Brodsky for the purpose of providing a user watching and/or listening to a program to retrieve supplemental information pertaining to an item just seen or words just heard (Brodsky: Col 1, Lines 51-54).

Taken in combination, the references provide a "method for obtaining information based on a TV program". In particular, while a viewer of the Isoe et al. receiver is watching a video program with closed captioning on, the system subsequently receives a command as taught by Brodsky so as to present a list of valid requests within a PIP window pertaining to available choices for which supplemental content may be retrieved. Accordingly, turning to Figure 2 of Isoe et al., the system "displays with the program" (ex. program A), "closed caption text" comprising that designated as "caption for 'A' as well as the listing of valid terms from the closed captioning as populated in the PIP window 'B'. "Primary words" or

words associated with a listing of available topics (Brodsky: Col 4, Lines 44-47) appear "within the closed captioning" as represented in the entire screen "appear differently in the closed captioning text than remaining secondary words" by virtue of their further appearance within the list of selectable keywords.

In consideration of claim 2, Brodsky discloses that the "list is displayed in a picture-in-picture (PIP) window on the TV" (Brodsky: Col 5, Lines 22-35).

Claim 5 is rejected wherein the Brodsky reference discloses that the system "permits a user to select at least one content on the list and displaying the content" (Brodsky: Col 6, Lines 12-42).

Claim 6 is rejected wherein the Brodsky reference discloses that the "content is obtained from an audio/video data storage" such as a local or remote CD-ROM "associated with the TV" (Brodsky: Col 6, Lines 12-42).

With respect to claim 8, the Brodsky reference discloses that a "processor" [106] "associated with the TV" [108] is operable to "add the content to a local data storage associated with the TV and correlate the content with other content related to the selected word" associated with the pre-fetched content associated with a particular keyword (Brodsky: Col 5, Line 64 - Col 6, Line 11).

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isoe et al. (US Pat No. 5,671,019), in view of Brodsky (US Pat No. 5,809,471), and in further view of Sampsell (US Pat No. 6,496,122).

In consideration of claim 2, the combined references do not disclose that the particular "list is displayed on a display of the remote control device". In a related art pertaining to

television systems, the Sampsell reference discloses a "remote control device" [170] that provides picture-in-picture (PIP) functionality and the ability to display/control menus (Sampsell: Col 4, Lines 17-28; Col 10, Line 5 – Col 11, Line 25). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the remote controller of the aforementioned combined references such that the "list is displayed on a display of the remote control device" for the purpose of providing a means by which the user can provide for the viewing of multiple image display devices and associated menus without covering upon part of an image displayed on an image screen as in convention picture-in-picture (PIP) technology (Sampsell: Col 2, Lines 54-58).

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isoe et al. (US Pat No. 5,671,019), in view of Brodsky (US Pat No. 5,809,471), and in further view of Chang (US Pat No. 5,543,851).

With respect to claim 4, as aforementioned, the Brodsky reference does not particularly disclose nor preclude that the supplemental information may not include the ability for the "user [to] select a word to cause the computer to transmit to the TV a dictionary definition of the word". The Chang reference provides evidence that it is known for a "user [to] select a word to cause the computer to transmit to the TV a dictionary definition of the word" (Chang: Col 5, Lines 33-43). Accordingly, it would have been obvious to one having ordinary skill in the art so as to modify combined teachings so as to further provide supplemental information including a dictionary definition of a word for the purpose of providing a time efficient means for proving the user with the meaning of a term which appears in the closed caption text (Chang: Col 1, Lines 18-28).

14. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isoe et al. (US Pat No. 5,671,019), in view of Brodsky (US Pat No. 5,809,471), and in further view of the Encyclopedia Britannica Online article.

In consideration of claim 7, as aforementioned, the Brodsky reference discloses that the supplemental information from remotely based databases that include encyclopedias may be "downloaded" from broadcasters or dial-up service providers "in response to the user selecting the content" (Brodsky: Col 6, Lines 12-42). However, the reference does not explicitly disclose that the supplemental information may be "downloaded from at least one of: the Internet, and a transmitter head end". The "Encyclopedia Britannica Online" article provides evidence that the Internet based encyclopedias are known in the art. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to "download from at least one of: the Internet . . . " encyclopedia information such as provided by "Encyclopedia Britannica Online" for the purpose of utilizing the most complete compendium of general knowledge on the Internet as a source of supplemental data.

Claim 9 is rejected wherein the article provides evidence that it is known to "bill the user for downloading content" in connection with a subscription fee to access the online encyclopedia.

15. Claims 10-12, 14, 15, 17-20, 22, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodsky (US Pat No. 5,809,471) in view of Allport (US Pat No. 6,097,441).

In consideration of claim 10, the Brodsky reference discloses a "system" [100] for "obtaining information using a TV closed caption display" [108]. In particular, the system comprises a "TV" [108] for "receiving content from a source, [wherein] the content includes closed caption text" (Col 2, lines 19-23) that is subsequently processed and stored as a dictionary of keywords (Col 4, Lines 49-61). The user is subsequently operable to utilize a user interface [110] (Col 5, Lines 11-20) to "select" "at least one word appearing in the closed caption text" or "within the closed captioning text" or "from the closed captioning text" displayed on the display [108] whereupon a "computer" [106] accesses an "accessible data structure" [112] associated with . . . the TV" via a "computer" [106] to "retrieve from the data structure a list of content related to at least one word appearing in the closed caption text and selected by a user" (Col 6, Lines 12-42).

The reference, discloses that it is known in the art for a wireless remote control to select items from a displayed menu (Col 1, Lines 27-29) however, the exact composition of the user interface [110] is unclear such that it necessarily is a "remote control device communicating with the TV" in order to provide a means or other input request means to remotely select items "from the closed caption text" appearing on a television screen in the selection menu. The Allport reference discloses the particular usage of a "remote control device" [10] that is "configured for wireless communication with [a] TV" [80] (Figure 2). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to particularly utilize the "remote control device" [10] of Allport for the purpose of advantageously providing a supplemental user interface which leaves the primary viewing

screen or TV uncluttered (Col 4, Lines 53-60) and further provides the user with an input means the ability to remotely control the selection of items of interest.

In consideration of claim 18, the Brodsky reference illustrates a "system" [100] for "retrieving content related to a TV program including closed caption text". The system comprises "means for displaying the TV program with closed caption text" [108] and "means for presenting a list of content associated [a] word" [108] selected by the user (Col 5, Lines 21-35). With respect to the "means for selecting", it is unclear if the Brodsky reference utilizes an equivalent means in conjunction with the selection of items through a user interface [110]. The Allport reference discloses the particular usage of a remote control device [10] to be used in conjunction with the selection and display of supplemental information or "means for selecting" (Figure 2). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to particularly utilize the "remote control device" [10] of Allport as a "means for allowing a user to select at least one word within the closed caption text by input device manipulation on the closed caption text" for the purpose of advantageously providing a supplemental user interface which leaves the primary viewing screen or TV uncluttered (Col 4, Lines 53-60) and further provides the user with an input means the ability to remotely control the selection of items of interest.

In consideration of claims 11 and 19, Brodsky discloses that the "list is displayed in a picture-in-picture (PIP) window on the TV" (Brodsky: Col 5, Lines 22-35).

With respect to claims 12 and 20, as aforementioned, the Brodsky reference is silent as to the particulars of the user interface [110] involving a "remote control device". As

aforementioned, the Allport reference provides evidence that it is known for a "remote control device" to serve/act as a secondary user interface so as to provide a means for leaving the primary viewing screen or TV uncluttered by a navigational interface (Col 4, line 66 - Col 4, Line 14). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to utilize a "remote control device" such as that disclosed by Allport such that the "list is displayed on a display of the remote control device" for the purpose of advantageously providing a means for displaying the supplemental content in a manner that leaves the primary viewing screen or TV uncluttered by the supplemental content (Col 4, Lines 53-60) and provides the user with the ability to remotely control the selection of items of interest.

Claims 14 and 22 are rejected wherein the Brodsky reference discloses that the system "permits a user to select at least one content on the list and displaying the content" (Brodsky: Col 6, Lines 12-42).

With respect to claims 17 and 25, the Brodsky reference discloses that a "processor" [106] "associated with the TV" [108] is operable to "add the content to a local data storage associated with the TV and correlate the content with other content related to the selected word" associated with the pre-fetched content associated with a particular keyword (Brodsky: Col 5, Line 64 - Col 6, Line 11).

In consideration of claims 15 and 23, as aforementioned, the Brodsky reference discloses that the "content is obtained from an audio/video data storage" such as a local or remote CD-ROM "associated with the TV" (Col 6, Lines 12-42). With respect to the particular limitation such that the "computer" [106] is "in the TV", it is unclear from the illustration if

the system of Brodsky is necessarily composed of a single television housing. The Allport et al. reference provides evidence that it is known in the art for a "computer" [155] or processor to be "in the TV" [80] (Allport: Col 9, Lines 19-34; Col 12, Lines 48-51). Accordingly, it would have been obvious to one having ordinary skill in the art, in light of the combined references, so as to utilize a single housing such that the "computer is in the TV" for the purpose of eliminating the cost associated with providing communication channel between the television and the base station. Furthermore, legal precedence provides that "that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice." In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

16. Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodsky (US Pat No. 5,809,471), in view of Allport (US Pat No. 6,097,441), and in further view of Chang (US Pat No. 5,543,851).

With respect to claims 13 and 21, as aforementioned, the Brodsky reference does not particularly disclose nor preclude that the supplemental information may not include the ability for the "user [to] select a word to cause the computer to transmit to the TV a dictionary definition of the word". The Chang reference provides evidence that it is known for a "user [to] select a word to cause the computer to transmit to the TV a dictionary definition of the word" (Chang: Col 5, Lines 33-43). Accordingly, it would have been obvious to one having ordinary skill in the art so as to modify combined teachings so as to further provide supplemental information including a dictionary definition of a word for the

purpose of providing a time efficient means for proving the user with the meaning of a term which appears in the closed caption text (Chang: Col 1, Lines 18-28).

17. Claims 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodsky (US Pat No. 5,809,471) in view of Allport (US Pat No. 6,097,441) and in further view of the Encyclopedia Britannica Online article.

In consideration of claims 16 and 24, as aforementioned, the Brodsky reference discloses that the supplemental information from remotely based databases that include encyclopedias may be "downloaded" from broadcasters or dial-up service providers "in response to the user selecting the content" (Brodsky: Col 6, Lines 12-42). However, the reference does not explicitly disclose that the supplemental information may be "downloaded from at least one of: the Internet, and a transmitter head end". The Allport reference provides evidence that it is known to download information from the Internet [95] through a dial-up connection [135], but does not explicitly disclose the particular usage of the Internet to access remote encyclopedias. The "Encyclopedia Britannica Online" article provides evidence that the Internet based encyclopedias are known in the art. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to "download from at least one of: the Internet . . . " encyclopedia information such as provided by "Encyclopedia Britannica Online" for the purpose of utilizing the most complete compendium of general knowledge on the Internet as a source of supplemental data.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Baumeister et al. (US Pat No. 2002/0191012 A1) reference discloses a system and method which enables a viewer to obtain supplemental information based upon received closed captioning text.
- The Handelman (US Pat No. 6,654,721) reference discloses a system and method for providing a wireless voice activated remote control which facilitates the user to select items from within a menu as displayed on a television.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott Beliveau
Examiner
Art Unit 2614

SEB
January 23, 2006